



**UNITED STATES MARINE CORPS
MARINE CORPS SYSTEMS COMMAND
2200 LESTER STREET
QUANTICO, VIRGINIA 22134-5010**

IN REPLY REFER TO:
5720
DON-USMC-2022-010094
7 Jul 22

EMAILED TO: *tsmith@jctm.us*

JCTM, LLC
Mr. Thomas Smith
2320 Sterling Hollow Lane
League City, TX 77573

SUBJECT: DON-USMC-2022-010094

Dear Mr. Smith:

This letter responds to your Freedom of Information Act request dated July 1, 2022, requesting "the Business Case Memorandum (BCM) for contract award in response to solicitation M6785422R0053, Contract Number M6785422C0053, Requisition/Purchase Number M954502135997, Strategic Leadership (PM GBAD)."

Your request is hereby partially denied. Following a careful review of the document, portions of the document are found to be exempt from disclosure pursuant to FOIA Exemptions 5 U.S.C. § 552(b)(3), 5 U.S.C. § 552(b)(4), and 5 U.S.C. § 552(b)(6) and must be withheld in order to protect the submitter's proprietary and/or financial interests as well as personal privacy.

Specifically, FOIA Exemption 5 U.S.C. § 552(b)(3) precludes disclosure of an offeror's information if disclosure is prohibited by another statute. It is important to note that the Competition In Contracting Act of 1984 (CICA) and 10 U.S.C. § 2305(g), preclude the release of proposals and information contained within said proposals. In fact, CICA provides that "a proposal in the possession or control of [a military department] may not be made available to any person under section 552 of title 5." *Id.*

FOIA Exemption 5 U.S.C. § 552(b)(4) exempts from disclosure (i) voluntarily submitted commercial or financial information provided that the submitter does not "customarily" disclose the information to the public and provided that disclosure would be likely to interfere with the continued and full availability of the information to the government, or (ii) compelled information likely to cause substantial harm to the competitive position of the person from whom it was obtained and likely to impact on the government's ability to obtain reliable information in the future. See Critical Mass Energy Project

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v. NRC, 975 F2d 871, 879-80 (D.C. Cir. 1992), cert. denied, 113 S.Ct.1579 (1993); National Parks & Conservation Ass'n v. Morton, 498 F2d 765, 766 (D.C. Cir. 1974); Canadian Commercial Corp. v. Dept. of Air Force, 514 F.3d 37 (D.C. Cir., 2008).

FOIA Exemption 5 U.S.C. § 552(b)(6) exempts disclosure of information that would constitute a clearly unwarranted invasion of personal privacy.

Review included consideration of the 'foreseeable harm standard', i.e., information which might technically fall within an exemption should not be withheld from a FOIA requester unless the agency can identify a foreseeable harm or legal bar to disclosure. No additional foreseeable harm has been noted.

Fees associated with processing your request are minimal and waived.

In view of the above, you may consider this to be an adverse determination that may be appealed to the Department of the Navy, Office of the General Counsel (ATTN: FOIA APPEALS), 1000 Navy Pentagon, Room 5A532, Washington, DC 20350-1000. Your appeal, if any, must be postmarked within 90 calendar days from the date of this letter and should include a copy of your initial request, a copy of this letter, and a statement indicating why you believe it should be granted. We recommend that your appeal and its envelope both bear the notation "Freedom of Information Act Appeal."

You also have the right to seek assistance and/or dispute resolution services from the Marine Corps FOIA Public Liaison, Ms. Sally Hughes, at hqmcfoia@usmc.mil or (703) 614-4008, and/or the Department of the Navy FOIA Public Liaison, Mr. Christopher Julka, at Christopher.a.julka@navy.mil or (703) 697-0031. You may also contact the Office of Government Information Services for assistance and/or dispute resolution at ogis@nara.gov or 1-877-684-6448. For more information online about services provided by OGIS, please visit their website at <https://ogis.archives.gov>.

Any questions concerning this matter should be directed to Mrs. Bobbie Cave at (703) 432-3934 or bobbie.cave@usmc.mil.

Sincerely,

D. O. LICKLIDER
Chief of Staff

MARCORSSYSCOM – BUSINESS CLEARANCE MEMORANDUM

SOLE SOURCE ACQUISITION

BUSINESS CLEARANCE MEMORANDUM

Number: 22,247

SECTION I – COVER AND SIGNATURE PAGES

Type of Procurement Action: <input type="checkbox"/> Full and Open Competition <input checked="" type="checkbox"/> Negotiated Under 15 U.S.C. 637 (a) <input type="checkbox"/> Negotiated Under 10 U.S.C. 3406 () <input type="checkbox"/> Negotiated Under 40 U.S.C. Chapter 11 Brooks Act <input type="checkbox"/> Negotiated Modification (e.g., pursuant to Changes Clause) <input type="checkbox"/> Negotiated Task or Delivery Order <input type="checkbox"/> Claim Settlement <input type="checkbox"/> Definitization of Letter Contract <input type="checkbox"/> Final Price (Incentive, Redeterminable, or EPA)	Type of Clearance: <input checked="" type="checkbox"/> Pre-Negotiation <input checked="" type="checkbox"/> Post Negotiation <input type="checkbox"/> Letter Contract
Solicitation/Contract Number: M67854-22-R-0053 Activity: Marine Corps Systems Command (MCSC) Program Executive Officer (PEO) Land Systems (LS) Program Manager, Ground Based Air Defense (PM GBAD)	
Contractor(s): Joint Computer Technologies and Training Management, LLC (JCTM) 16710 Tulloch Road Charlotte, NC 28278	
Program: PM GBAD Description of Supplies/Services: Facilitation support to engage various GBAD Senior Leader stakeholders for the purpose of assessing the organizational, operational and programmatic integration of current and projected Marine Corps A-MANPADS, C-UAS, MADIS, and Intercept weapons technologies.	
Pricing Structure	Proposal
Cost CLINs* FFP CLINs Total:	Pre-Negotiation (b) (3), (b) (4)
Clearance Total: *CLIN 0003 - (b) (3), (b) (4)	Post-Negotiation
Travel plug number provided by Government	
Performance Period: <div style="display: flex; justify-content: space-between;"> Base Period Start: 1 July 2022 Finish: 30 June 2023 </div>	
Prepared By: <div style="text-align: right;"> Name: Benjamin Quint Title: Contract Specialist Phone: (703) 432-5087 Date: 29 June 2022 </div>	

Recommendation: Based on the information contained herein, the contract specialist requests approval to award a Firm-Fixed-Price (FFP) Contract, to JCTM. JCTM provides the best value to the Government for the PM GBAD Strategic Leadership requirement. The total value for this award is \$706,569.76. The pre-post negotiation position is hereby determined to be fair and reasonable based on price analysis methods detailed below in Section VI(A.1).

Contracting Officer:

Signature:

Printed Name:

Phone:

Date:

(b) (6)

30 June 2022

Unconditional Approval: ☒ X

Not Approved: ☐

Conditional Approval: ☐

Conditions (If applicable):

SECTION II – PRE-SOLICITATION DOCUMENTATION (If approval/determination was included in another document, please note):

Check if N/A	Document/Approval Content	Reference(s) (as applicable)	Document #, Approving Official (Name & Title), Date (as applicable)	Contract File Location (Tab No.)
PRE-NEGOTIATION				
<input type="checkbox"/>	Procurement Request/Procurement Initiation Document (PID)	FAR 11 DFARS 211 NMCARS 5211	M67854-21- RFPREQ- PMM-208-0069 Dave Lobik (DPM) 20 May 2022	Tab A2
<input checked="" type="checkbox"/>	Acquisition Strategy	FAR 34.004		
<input type="checkbox"/>	Acquisition Plan (STRAP/MOPAS-S)	NMCARS 5207.103, NMCARS 5237.503	MOPAS #22,237 Dave Lobik (DPM) 10 June 2022	Tab A4
<input type="checkbox"/>	Contract Type Rationale	FAR 16.102(d) FAR 16.103(d) DFARS 216.102	MOPAS #22,237 Dave Lobik (DPM) 10 June 2022	Tab A4
<input checked="" type="checkbox"/>	Determinations and Findings (D&F) to establish or maintain alternative sources	FAR 6.202		
<input checked="" type="checkbox"/>	Justification for Other Than Full and Open Competition	FAR 6.303		
<input checked="" type="checkbox"/>	HCA Documentation for Non-Competitive Requirement Under an International Agreement	DFARS 206.302-4(c)		
<input checked="" type="checkbox"/>	Bundling contract requirements	FAR 7.107-3		
<input checked="" type="checkbox"/>	Synopsis of Proposed Contract Action	FAR 5.2		
<input checked="" type="checkbox"/>	Determination to consolidate contract requirements	FAR 7.107-2		
<input checked="" type="checkbox"/>	Determination to contract for noncommercial services of certain products or services	DFARS 212.272		
<input checked="" type="checkbox"/>	D&F to Use Commercial T&M or LH contract	FAR 12.207		

Check if N/A	Document/Approval Content	Reference(s) (as applicable)	Document #, Approving Official (Name & Title), Date (as applicable)	Contract File Location (Tab No.)
<input checked="" type="checkbox"/>	Source Selection Plan ¹	DFARS 215.303 DoD Source Selection Procedures		
<input checked="" type="checkbox"/>	D&F to use Time & Materials or Labor Hours type contract	FAR 16.601(d)(1) FAR 16.602 DFARS 216.601(d)(i)(A)		
<input checked="" type="checkbox"/>	D&F to Use Incentive or Award Fee Contract	FAR 16.401(d) DFARS 216.401(d) NMCARS 5216.401(d)		
<input checked="" type="checkbox"/>	D&F for Cost Type Research and Development in excess of \$25M	DFARS 235.006(b)(i)		
<input checked="" type="checkbox"/>	Determination for Fixed Price Development for non-MDAP	DFARS 235.006(b)(iii)(A)(3)		
<input checked="" type="checkbox"/>	Determination to make single award for IDIQ estimated to exceed \$100M (including all options)	FAR 16.504(c)(1)(ii)(D) DFARS 216.504(c) NMCARS 5216.504(c)		
<input checked="" type="checkbox"/>	Determination to make single award for IDIQ Advisory and Assistance Services over 3 years and \$15M	FAR 16.504(c)(2)		
<input checked="" type="checkbox"/>	HCA approval for cost-reimbursement contracts in excess of \$25M	DFARS 216.301-3		
<input checked="" type="checkbox"/>	Use of contract terms in excess of five years	FAR 17.204(e)		
<input checked="" type="checkbox"/>	Use of non-DoD contract vehicle	DFARS 217.770		
<input type="checkbox"/>	DD Form 2579 Small Business Coordination Record	DFARS 219.201	FY22-MAY16-19 16 May 2022 (b) (6)	Tab A6
<input type="checkbox"/>	Determination of Personal/Non-Personal Services	FAR 37.103 DFARS PGI 237.503	(b) (6) 27 June 2022	

¹ This acquisition is an 8(a) sole source under FAR 19; therefore, no source selection evaluation criteria under FAR 15 need to be established.

Check if N/A	Document/Approval Content	Reference(s) (as applicable)	Document #, Approving Official (Name & Title), Date (as applicable)	Contract File Location (Tab No.)
<input checked="" type="checkbox"/>	Approval for non-performance based acquisition	DFARS 237.170-2		
<input checked="" type="checkbox"/>	Government-Furnished Property Compliance Checklist	NMCARS 5245.103-74		
<input checked="" type="checkbox"/>	Approval to use warranty	DFARS 246.704		
<input checked="" type="checkbox"/>	Draft/Planning Solicitation(s); Offerors Comments & Government Response to Offerors; other exchanges with industry before receipt of proposal	FAR 15.201		
<input checked="" type="checkbox"/>	Wage Rate Determination (SF-98/98A)	DFARS 222.1008		
<input type="checkbox"/>	Market Research Documentation	FAR 10 DFARS 210 DFARS 237.102-78 DFARS PGI 215.371-2	JCTM Capability Statement and Catalog Pricing. 20 May 2022	Tab A17
<input type="checkbox"/>	Independent Government Cost Estimate	FAR 4.803(a)(7)	IGCE Leadership Engagement 13 May 2022 (b) (6)	Tab A22
<input checked="" type="checkbox"/>	Approval of FAR/DFARS/NMCARS Deviations	FAR 1.4 DFARS 201.4 NMCARS 5201.4		
<input checked="" type="checkbox"/>	Undefinitized Contract Action and Undefinitized Change Order Approval	DFARS 217.74 NMCARS 5243.201		
<input checked="" type="checkbox"/>	Unusual Contract Financing Clauses	FAR 32 DFARS 232		
<input checked="" type="checkbox"/>	Justification for Oral Solicitation	FAR 15.203(f)		
<input checked="" type="checkbox"/>	Tailoring of Provisions and Clauses for use in Commercial Item Acquisition (waiver)	FAR 12.3 DFARS 212.3 NMCARS 5212.3		
<input checked="" type="checkbox"/>	List of Sources Solicited/Request for Solicitation	FAR 14.204		
<input type="checkbox"/>	Solicitation/Request for Proposal	FAR 14.201 FAR 15.203	M67854-22-R-0053 13 June 2022	Tab C5

Check if N/A	Document/Approval Content	Reference(s) (as applicable)	Document #, Approving Official (Name & Title), Date (as applicable)	Contract File Location (Tab No.)
<input checked="" type="checkbox"/>	Amendments to RFP/IFB	FAR 14.208 FAR 15.206		
<input checked="" type="checkbox"/>	Combined Synopsis and Solicitations for Commercial Item Acquisitions	FAR 12.603		
<input type="checkbox"/>	Contractor Proposal(s)		JCTM Proposal 15 June 2022	Tab D1
<input checked="" type="checkbox"/>	DCAA Report(s)			
<input checked="" type="checkbox"/>	ACO Report(s)			
<input type="checkbox"/>	Technical Evaluation Report(s)	FAR 15.305(a)(3)	Final Technical Evaluation Strategic Leadership JCTM COR (b) (6) 29 June 2022	Tab D7
<input type="checkbox"/>	Price/Cost Evaluation Report	FAR 15.305(a)(1)	See BCM Section VI(A.1)	
<input checked="" type="checkbox"/>	Past Performance Evaluation Report	FAR 15.305(a)(2) DFARS 215.305(a)(2)		
<input checked="" type="checkbox"/>	Small Business Participation Evaluation Report	DFARS 215.304(c)(i) DoD Source Selection Procedures		
<input checked="" type="checkbox"/>	Subcontracting Plan Evaluation Report	FAR 19.702(a) FAR 19.704		
<input checked="" type="checkbox"/>	Competitive Range Determination	FAR 15.306(c)		
<input checked="" type="checkbox"/>	Evaluation of Transportation Costs (DD Form 1654)	FAR 47.306 DFARS 247.301-71 DFARS 247.372		
<input checked="" type="checkbox"/>	Cost Accounting Standards Waivers	FAR 30.201-5 DFARS 230.201-5 NMCARS 5230.201-5		
<input checked="" type="checkbox"/>	Make or Buy (Program, Evaluation, Approval)	FAR 15.407-2		
<input type="checkbox"/>	Compliance with FAR Subpart 4.21 – Prohibition on Contracting for Certain Telecommunications and Video Surveillance Services or Equipment - requirements.	FAR provision 52.204-24 FAR provision 52.204-26 FAR clause 52.204-25	RFP M67854-22-R-0053 Section I, 13 June 2022 (b) (6)	Tab C5

Check if N/A	Document/Approval Content	Reference(s) (as applicable)	Document #, Approving Official (Name & Title), Date (as applicable)	Contract File Location (Tab No.)
<input checked="" type="checkbox"/>	Exemptions requested to Buy American, Berry Amendment, specialty metals restrictions, or other requirements of the solicitation	DFARS 225.70		
<input checked="" type="checkbox"/>	Contracting Officer Determination and Basis for Pass-Through Charges	FAR 15.404-1(h)		
<input checked="" type="checkbox"/>	Contractor's Estimating System determined acceptable by ACO	DFARS 215.407-5		
<input checked="" type="checkbox"/>	Pre-Award Disclosure Statement - Cost Accounting Practices and Certification and Determined current, accurate, and complete by ACO	FAR clause 52.230-1 FAR 30.202-6		
<input checked="" type="checkbox"/>	Contractor's Accounting System determined adequate by CAO/DCAA	FAR 16.301-3		
<input checked="" type="checkbox"/>	Contractor Purchasing System determined to be approved by the ACO	FAR 44.305		
<input checked="" type="checkbox"/>	Property System reviewed for acceptability by ACO	FAR 45.105		
<input type="checkbox"/>	SAM Exclusions Verification for all offerors	FAR 9.405(d)(1)	Initial Responsibility Determinations 14 June 2022	Tab D15
<input type="checkbox"/>	Certification Regarding Responsibility Matters and Delinquent Tax Liability or a Felony Conviction under Federal Law	FAR 9.104-5 FAR provision 52.209-5 FAR provision 52.212-3(h) FAR provision 52.209-11	The successful Offeror, JCTM, certified in their proposal this was present as of 14 June 2022	Tab D1 Volume I
<input checked="" type="checkbox"/>	Part 15 negotiation documentation requirements	FAR 15.406-3 DFARS 215.406-3		

SECTION III – KEY DOCUMENTS/EXHIBITS/ATTACHMENTS

A. Summary of Additional Key Documents/References.

1. M67854-18-D-7200 – Attachment J-3a IDIQ Unit Pricing (Tab A22)
2. Final Technical Evaluation_Strategic Leadership JCTM_COR (Tab D7)

B. Attachments.

There are no Attachments to this BCM.

SECTION IV – PRE-SOLICITATION INFORMATION

This acquisition is an 8(a) sole source under FAR 19. The Government considers JCTM suitable for this acquisition based on a positive history of past performance and experience in the required services.

Based on the information set forth herein, authorization is requested to award contract M67854-22-C-0053 in the total amount of \$706,554.65, for non-personal services as identified below.

NAICS Code: 541990: All Other Professional, Scientific, and Technical Services

PSC: B507: Special Studies/Analysis Economics

A. Description of Supplies/Services.

This contract is for the acquisition of services required for the facilitation and conduct of Strategic Communications and Senior Leader Engagements to better understand changes in technology and to assist with advocacy in support of the GBAD Program Office. Strategic Communications with Senior Leaders that are "up and out" help focus and allow for the collaboration on future technology, requirements, threats, force design, and force development. These engagements support the Program Office and facilitate the analyses required to achieve program goals. Communication with Service senior leaders and their staff helps inform their support for programs, funding, sustainment, and requirements. Finally, these engagements assist the GBAD Program Office in engaging and coordinating with applicable members of the Joint and Service staff.

The period of performance is for twelve (12) months.

B. Background.

1. Procurement history.

- a. This procurement is not for a weapon system.
- b. The previous contract for Strategic Analysis and Senior Leadership Engagement Services was previously satisfied under Task Order M67854-20-F-0044/Indefinite Delivery-Indefinite Quantity (IDIQ) contract M67854-18-D-7200 with Lumbee Tribe Enterprises, LLC (LTE) awarded on 01 June 2020 for (b) (3), (b) (4) with a period of performance of twelve (12) months.
- c. This effort will not result in a bundled or consolidated contract.
- d. This effort is not a modification to an existing contract.
- e. The previous contract was not subject to Service Contract Labor Standards.
- f. There is no other relevant historical information.

2. Acquisition environment.

- a. This procurement is a performance-based acquisition sole source 8(a) Small Business Set-Aside under FAR 19 with a Service-Disabled Veteran Owned Small Business (SDVOSB) through a negotiated FFP contract.
- b. This acquisition is an 8(a) sole source under FAR 19. This acquisition does not exceed the competitive threshold in FAR 19.805-1(a)(2). Per FAR 19.804-3(c)(1)(i), the SBA may accept this requirement for a sole source 8(a) award where the contracting officer nominates a specific 8(a) participant.
- c. There are no limitations set on which business concerns can propose or factors that might otherwise affect the Government's options to compete or negotiate the procurement such as Brand Name or Equal procurements, required sources of supply or services, or unsolicited proposals.
- d. The Government requested a capability statement and catalog pricing from JCTM in support of market research. Based on the material provided by JCTM the company meets the requirement of PM GBAD for strategic communication and engagement services. The market research results and previous contract history support this action as an 8(a) sole source under FAR 19.
- e. Theater Business Clearance (TBC) requirements do not apply to the procurement as defined in Navy Marine Corps Acquisition Regulation Supplement (NMCARS) 5225.370.

C. Independent Government Estimate (IGE).

1. Method used for IGE development.

The IGCE was developed using an engineering buildup of provided contractor labor rates for four (4) previous ordering periods multiplied by the number of hours required for each labor category. The total travel cost is based on historical travel costs associated with similar contracts.

2. Assumptions made.

- a. All costs will be committed and executed using Operations and Maintenance, Marine Corps (OMMC) dollars.
- b. The period of analysis is one year (12 months).
- c. The assumed contract type for all Contract Line Item Numbers (CLINs) is FFP aside from Travel and ODC CLINs, which are Cost-type CLINs.
- d. The Studies and Analysis labor category hourly rates were obtained from previous task order M67854-20-F-0044.
 - o The Studies and Analysis (b) (3), (b) (4) is fully burdened.
 - o The Studies and Analysis (b) (3), (b) (4) is fully burdened.
- e. The Subject Matter Expert labor category hourly rates were obtained from previous task order M67854-20-F-0044.
 - o The Subject Matter Expert (b) (3), (b) (4) is fully burdened.
- f. The labor rates will continue to experience a (b) (3), (b) (4)
- g. Travel costs and ODCs are not expected to exceed (b) (3), (b) (4)

IGCE Total	Base Period
(b) (3), (b) (4)	

- ### 3. Information estimating tools used.

Microsoft Excel

- #### 4. Source of information.

M67854-18-D-7200 – Attachment J-3a IDIQ Unit Pricing

- 5. Comparison of estimates for previous procurements with prices paid.**

Estimates were compared to pricing on the previous task order M67854-20-F-0044.

D. Type of Contract.

1. The contract type for this effort will be FFP. Travel and other direct costs (ODCs) will be cost-reimbursable, non-fee bearing. Prior to any travel or expenditure of ODCs the COR will approve. A fixed price contract is suitable for this effort because the strategic leadership service requirements are well defined for the identified deliverables.
2. This will not be a development contract; therefore, approval requirements as described in DFARS 235.006 are not required.
3. This is not an incentive or redeterminable contract; therefore, provisions of the pricing structure are not required.
4. This is not an award fee contract; therefore, there is no award fee plan.
5. Options are not included in this contract.

DI. Special Provisions.

1. Deviations from FAR, DFARS, NMCARS, or other DOD or Departmental regulations (FAR Subpart 1.4, DFARS Subpart 201.4, NMCARS Subpart 5201.4).
There are no deviations from FAR, DFARS, NMCARS, or other DOD or Departmental regulations (FAR Subpart 1.4, DFARS Subpart 201.4, NMCARS Subpart 5201.4).

2. Unusual controverted (disputed) cost clauses/re-opener clauses.

There are no unusual controverted (disputed) cost clauses/re-opener clauses.

3. Design to Cost (FAR 7.105(a)(3)(ii)).

Design to Cost (FAR 7.105(a)(3)(ii)) is not required.

4. Organizational Conflicts of Interest (FAR 9.504).

The provisions of FAR 9.5 “Organizational Conflicts of Interest” (OCI), and Section G.4 of the RFP apply to any award under this request for fair opportunity proposals. Potential Offerors have been instructed to review their current and planned participation in any other Government contracts, subcontracts, consulting, or teaming arrangements where they may be in a position of actual or perceived bias or unfair competitive advantage. Consistent with clause G.4 (f) and (g), they shall disclose any potential OCI situations to the Contracting Officer as soon as identified, including prior to proposal submission. The disclosure should include the facts and an analysis of the actual or perceived conflict of interest and a recommended approach to neutralize or mitigate the potential conflict. The preferred approach to potential conflicts is to negate or obviate the conflict. Mitigation is considered only if it is not practical to negate or obviate the conflict.

5. Small business incentive (FAR 19.705-5(a)(4)).

There is no small business incentive (FAR 19.705-5(a)(4)).

6. Wage determinations required by the Service Contract Labor Standards statute (FAR 22.1003) or the Construction Wage Rate Requirements statute (FAR 22.402 and 22.403-1).

This requirement does not require wage determinations required by the Service Contract Labor Standards statute (FAR 22.1003) or the Construction Wage Rate Requirements statute (FAR 22.402 and 22.403-1) as this effort is not for construction, alteration, or repair of public buildings or public works.

7. Source Restrictions, such as Buy American or 10 U.S.C 4862 or 4863 (FAR Part 25, DFARS Part 225).

There are no Source Restrictions, such as Buy American or 10 U.S.C 4862 or 4863 (FAR Part 25, DFARS Part 225) for this effort.

8. Rights in technical data (FAR Part 27, DFARS Part 227).

Per DFARS 252.227-7013, Rights in technical data – noncommercial items, the Government will receive unlimited rights in data delivered by the Contractor (e.g. studies, analyses, test data, or similar data produced for this contract) when the data is specified as an element of performance under the contract and funded with Government funds.

9. Unusual contract financing clauses, e.g., milestone billings, advance payments etc. (FAR Part 32, DFARS Part 232).

There are no unusual contract financing clauses, e.g., milestone billings, advance payments etc. for this effort.

10. Government Furnished Equipment/Material/Property (FAR Part 45, DFARS Part 245).

There is no Government Furnished Equipment/Material/Property (FAR Part 45, DFARS Part 245)

11. Warranty provisions to include cost benefit analysis (DFARS 246.704) and approval.

There are no warranty provisions to include cost benefit analysis (DFARS 246.704) and approval for this effort.

12. DoD Contract Security Classification Specification (DD Form 254)

A Security Classification Form (DD Form 254) is not required for this effort as it is unclassified (See Tab A5).

F. Solicitation Review and Compliance.

1. The Solicitation for this procurement is in agreement with the MOPAS-S dated 10 June 2022.
2. In accordance with NMCARS 5201.602-1 and Marine Corps Systems Command Contract Process No. 22-002, dated 12 January 2022, a legal review was obtained prior to solicitations issuance and completed on 8 June 2022.

SECTION V – SOLICITATION

A. How the solicitation was made available.

The solicitation was made available to JCTM via e-mail on 13 June 2022.

B. Amendments issued and resultant changes to acquisition planning.

No amendments were made to the RFP.

SECTION VI – PRE-NEGOTIATION ANALYSIS

A. Cost/Price and Profit/Fee Analysis (FAR 15.305(a)(1), FAR 15.402, FAR 15.404-4, DFARS 215.404-4).

1. Price analysis (FAR 15.404-1(b)).

The price proposed by JCTM in response to solicitation M67854-22-R-0053 is determined to be fair and reasonable based on price analysis. Specifically, the following two (2) price analysis techniques are employed:

- 1) FAR 15.404-1(b)(2)(ii): Comparison of the proposed price to the historical price paid by the Government for similar services. Previous task order M67854-20-F-0044 procured Senior Leadership Engagement and Strategic Analysis services that are similar, and nearly identical, to the services required to be performed under the contract that will result from solicitation M67854-22-R-0053; and
- 2) FAR 15.404-1(b)(2)(iv): Comparison of the proposed price to the IGCE prepared in support of the instant procurement.

The previous task order price forms a valid basis for comparison as there has not been a significant time lapse between the successful performance of the previous effort and this procurement, the market and economic factors that existed when the previous effort was performed are similar to those presently, and the reasonableness of the awarded prices for previous task order M67854-20-F-0044 are not in question. Further, there are no material differences in the terms and conditions of this procurement when compared to previous task order M67854-20-F-0044 and the period of performance for each effort is identical (12 months).

The following table presents a comparison of the labor price proposed by JCTM in response to solicitation M67854-22-R-0053 relative to the total labor price(s) of previous task order M67854-20-F-0044 and the IGCE prepared in support of the instant procurement as described within Section IV(C) of this BCM.

Price Analysis Comparison

Source	JCTM Proposal	IGCE	Previous Task Order
Total Price (Labor Only)	(b) (3), (b) (4)		
# of Months			
Monthly Price			
Δ JCTM Proposal Relative to Comparative Data Point			

The price proposed by JCTM in response to solicitation M67854-22-R-0053 is between (b) (3), (b) (4) than the IGCE and the previous task order M67854-20-F-0044, respectively, is the price that a prudent buyer would expect to pay in the conduct of business, and is therefore fair and reasonable. In addition the technical evaluation found the proposal to provide the appropriate labor mix and hours for this effort and considered the proposal low risk.

Certified cost or pricing data was not required in accordance with FAR 15.403-4(a)(1). The anticipated award amount does not exceed the \$2,000,000.00 threshold for certified cost or pricing data established at FAR 15.403-4(a)(1).

2. Cost evaluation (FAR 15.404-1(c)).

Cost analysis was not performed for this effort.

SECTION VII – OTHER PRE-NEGOTIATION INFORMATION

- A. There is no other pre-negotiation information to be provided in this BCM.

SECTION VIII – PRE-AWARD DOCUMENTATION:

Check if N/A	Document/Approval Content	Reference(s) (as applicable)	Document #, Approving Official (Name & Title), Date (as applicable)	Contract File Location
<input checked="" type="checkbox"/>	Award with or without discussions	FAR 15.306(a)(3)		
<input checked="" type="checkbox"/>	HCA Waiver of Cost or Pricing Data	FAR 15.403-1(c)(4)		
<input checked="" type="checkbox"/>	Certificate of Current Cost or Pricing Data	FAR 15.406-2		
<input checked="" type="checkbox"/>	Subcontracting Plan determined adequate	FAR 19.705-4		

<input checked="" type="checkbox"/>	SBA PCR notification of opportunity to review Subcontracting Plan	FAR 19.705-5(a)(3)		
<input checked="" type="checkbox"/>	Approval of SDB subcontracting goal less than 5%	DFARS 219.705-4		
<input checked="" type="checkbox"/>	SBIR/STTR Phase III award Contracting Officer affirmation	NMCARS 5206.302-5(b)		
<input checked="" type="checkbox"/>	EEO compliance requested/obtained	FAR 22.805		
<input type="checkbox"/>	SAM Exclusions Verification for Successful Offeror	FAR 9.405(d)(4)	To be done within 24 hours of award	
<input type="checkbox"/>	Certification Regarding Responsibility Matters and Delinquent Tax Liability or a Felony Conviction under Federal Law for Successful Offeror	FAR 9.104-5 FAR provision 52.209-5 FAR provision 52.212-3(h) FAR provision 52.209-11	Successful Offeror, JCTM, certified within their proposal.	Tab D1 Volume I
<input type="checkbox"/>	VETS-4212 Filing Verification for Awardee (non-commercial items that exceed the SAT)	FAR 22.1302(b) FAR 22.1304	Verified for successful Offeror	Tab D17
<input checked="" type="checkbox"/>	Part 15 negotiation documentation requirements	FAR 15.406-3 DFARS 215.406-3		

SECTION IX – POST-NEGOTIATION

A. Summary of Additional Key Document/References.

No additional post-negotiation key document/references exist.

B. Attachments, as needed or if updated from Pre-Negotiation Clearance.

There are no Attachments to this BCM.

C. As this is a Pre-Post BCM, no pre-negotiation clearance was requested.

D. Negotiations.

Negotiations were not conducted for this effort.

E. Results of Negotiation

Negotiations were not conducted for this effort.

F. No pre-contract costs have been or will be authorized under this contract.

- G. Other Information pertinent to the clearance not previously addressed.
No other information exists that is pertinent to this BCM.

SECTION X – DECISION TO PROCEED

Based upon the analysis contained herein, JCTM's proposal received on 15 June 2022 is acceptable and the Government's objective of \$706,569.76 is determined to be fair and reasonable. Therefore, authority is hereby requested to award a contract to JCTM in support of this effort and for this document to be considered a Pre-Post BCM.